

REMARKS

Claims 11-23 stand rejected under 35 UCS 102(b) as being anticipated by or in the alternative under 35 USC 103(a) as being obvious over Hamajima '406.

In response to these rejections, the applicant scheduled a personal interview at the US PTO which was conducted on June 25th 2008. Many of the arguments presented below were discussed at that time in detail with examiner Kidwell. The applicant submits that the claims stand distinguished from the prior art of record for the following reasons.

Applicants thank Examiner Kidwell for being given the opportunity to explain their view of considerable differences between the subject-matter of independent claims 11, 16, 18 from the prior art reference Hamajima '406. As put forward by Applicants during the interview on June 25, 2008, Hamajima fails to anticipate or render obvious the subject-matter of independent claims 11 and further limited independent claims 16 and 18, even if the ranges disclosed in [0041] and [0044] of US '406 were to be regarded as a punctiform overlap of claimed melt-blown microfiber-ranges of 5 to 30% by weight and super absorbing material ranges of 70 to 95% by weight which will again be summarized now:

On page 2 of the Official Action Examiner refers to [0094] of US '406 where a mass per unit area of 20 g/m² is disclosed. However, this paragraph does not refer to a melt-blown microfiber layer but to the core/sheath type conjugate fiber layer, which is not a melt-blown fiber layer but appears to be a staple fiber layer having specific fiber diameter of 15 μ m (2.2 dtex) (contrary to melt-blown fibers which do not have a specific diameter) and

which needs "suction heat-bonding" to form a non-woven fabric (melt-blown fibers do not need suction heat-bonding for non-woven formation because they get inherently bonded to each other during melt-blowing and forming of thousands of interfiber bondings). Further, according to [0094] this staple fiber layer does not include any superabsorbent particles. Therefore, it is respectfully submitted that this [0094]-layer may not be regarded as "the storage layer having 5 to 30 weight percent of hydrophilic melt-blown microfibers and 70 to 95 weight percent of particulate super absorbing material". Applicants would be further prepared to further specify the hydrophilic melt-blown microfibers to have a microfiber diameter ranging from 1 to 10 μm to be clearly of the fiber diameter given in [0094] if Examiner would appreciate this further limitation to still further distinguish over the [0094]-fibers. In this case, proposal of an Examiner's amendment would be highly appreciated.

As discussed in the interview, Examiners' reference to [0095] indeed discloses a storage layer of hydrophilic melt-blown microfibers. However, those hydrophilic melt-blown microfibers do not form a "dense, 3-dimensional network which surrounds and immobilizes particulate super absorbing material" but there is a sandwich-like arrangement of two 30 g/m^2 melt-blown microfiber layers and a 40 g/m^2 superabsorbent polymer scattered particle layer, which has been explained during the interview in detail and a sketch has been submitted to Examiner. Therefore, it is submitted that neither "a melt-blown microfiber layer forming a 3-dimensional network which surrounds and immobilizes particulate superabsorbing material" is disclosed nor the claimed percentages of superabsorbent nor the claimed percentages and grammages of melt-blown microfibers. The grammages in [0095] lead to 60 g/m^2 microfibers and 40

g/m² superabsorbent which is clearly far beyond the claimed ranges for both microfibers and superabsorbent.

Applicants therefore strongly believe and submit that the specific examples of US '406 [0094] ff. definitely do not disclose or suggest something falling within the storage layer definition of independent claim 11.

In addition, in case the Examiner should refer to the general disclosure in [0038] of US '406 saying that the superabsorbent polymer may be dispersed in a hydrophilic fiber aggregate or foam this cannot anticipate or render obvious the subject-matter of claim 11 either as Hamajima does not disclose the very low basis weight of a melt-blown layer (6-25 g/m²) and therefore Hamajima's webs do not even face the wet strength problem, let alone how to solve it. Applicants' invention consists in the provision of a storage layer with large amounts of particulate superabsorbing material (70 to 95 weight%) within a rather low amount of hydrophilic melt-blown microfibers (5 to 30 weight %, 6 to 25 g/m²). Within these ranges, Applicants' invention teaches and claims that "said melt-blown microfibers being connected to each other by a plurality of melt connections to ensure stability in a wet state in such a way that said melt-blown microfibers form a dense, 3-dimensional network which surrounds and immobilizes said particulate superabsorbing material, wherein no or only few melt connections are provided between said melt-blown microfibers and said particulate superabsorbing material " (see also specification page 3, 3rd paragraph and page 10, 3rd and 4th paragraph to page 11, 1st paragraph). This leads to the further claim feature that "said storage layer having a strength in a wet state, measured in a machine direction of at least 40% of a strength thereof in a dry state". The inventor realized that increasing the percentage and amount of particulate superabsorbing material within a

fibrous layer leads to the problem that strength of such layer in a wet state considerably decreases. According to the invention, the previous mentioned measures, namely providing for sufficient melt connections between the melt-blown microfibers and providing no or only few melt connections between microfibers and particulate superabsorbing material leads to sufficient strength properties of the storage layer and prevents considerable decrease and disintegration of the storage layer when getting wet. As has been discussed during the interview the claim feature "strength in a wet state" is a structural feature which becomes relevant with high percentage ranges of particulate superabsorbing material as claimed. The inventors did realize that by the measures claimed it is possible to provide for a storage layer having high percentage of superabsorbing material and low percentage of web forming melt-blown microfibers which nevertheless exhibit a strength in the wet state nevertheless sufficiently suitable for the intended purpose.

It is therefore respectfully submitted that the subject-matter of independent claim 11 is not anticipated or rendered obvious by Hamajima US '406 and should therefore be in condition for allowance.

The same applies to independent claims 16 since it comprises all features of independent claim 11. Claim 16 is further limited by an additional further feature at the end relating to a top absorbent layer which is adjacent the storage layer on the side facing the top sheet. This top absorbent layer having melt-blown microfibers in an amount of 100 to 50 % percent wherein further preferred ranges are claimed. This further absorbent layer having melt-blown microfibers still further distinguishes from US '406.

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The same applies to independent claim 18 which consists of all the features of claim 16 and is additionally limited stating that the "mass per unit area of the previous claim 16 top absorbent layer is 2 to 10 g/m² or 2 to 5 g/m² and a fiber diameter of said melt-blown microfibers of said topabsorbent layer is smaller than a fiber diameter of said melt-blown microfibers of said storage layer". This further claim 18 feature contrasts to the fiber diameters of paragraph [0094] and [0095] of US '406 where the fiber diameters are the other way around which means the [0094] layer has larger diameter fibers than the [0095] melt-blown microfiber layers have.

Reconsideration is therefore respectfully requested and any Examiner's amendments to overcome any objections would be highly appreciated to move the case into condition of allowance.

No new matter has been added in this amendment.

Respectfully submitted,

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Date

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